

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2017-53

By-law to authorize the execution of an Amending Development Agreement
between 2562915 Ontario Inc. and
the Corporation of the Town of Amherstburg
1500 Front Road N, Amherstburg

WHEREAS under Section 8 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

AND WHEREAS under Section 9. (1) (a) and (b) of the Municipal Act 2001, S.O., 2001, c. 25, as amended, Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS the Corporation of the Town of Amherstburg and the Owner have agreed to the site plan in the Development Agreement;

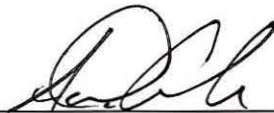
AND WHEREAS the Corporation of the Town of Amherstburg and owners of said property have agreed to the terms and conditions of a Development Agreement in the form annexed hereto;

AND WHEREAS the Corporation passed By-law 2011-62 on May 30, 2011 providing for the execution of a Development Agreement for the redevelopment of the property at 1500 Front Road N and the addition of a pool and temporary tent structure;

NOW THEREFORE the Corporation of the Town of Amherstburg enacts as follows:

1. THAT By-law 2011-62 is hereby amended in accordance with the attached agreement;
2. THAT all other provisions and regulations of By-law 2011-62 will apply;
3. THAT this By-law shall come into force and take effect immediately upon the final passing thereof at which time all by-laws that are inconsistent with the provisions of this by-law and the same are hereby amended insofar as it is necessary to give effect to the provisions of this by-law.

Read a first, second and third time and finally passed this 21st day of August, 2017.



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER
DEPUTY CLERK – TAMMY FOWKES

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd

Page 1 of 7

Properties

PIN 01546 - 0322 LT

Description PT LT 28 CON 1 ANDERDON AND PT OF THE BED OF THE CANARD RIVER
ANDERDON PT 1 12R7626; SUBJECT TO AN EASEMENT OVER PART 1 PL 12R24394
AS IN CE433638; TOWN OF AMHERSTBURG

Address AMHERSTBURG

Consideration

Consideration \$ 1.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name THE CORPORATION OF THE TOWN OF AMHERSTBURG

Address for Service

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation REBECCA BELANGER, MCIP, RPP, Manager of Planning Services for the Corporation of the Town of Amherstburg..

Party To(s)

Capacity

Share

Name 2562915 ONTARIO INC.

Address for Service 201-4370 Steeles Avenue West
Woodbridge, ON L4L 4Y4

This document is being authorized by a municipal corporation REBECCA BELANGER, MCIP, RPP, Manager of Planning Services for the Corporation of the Town of Amherstburg..

This document is not authorized under Power of Attorney by this party.

Statements

This notice is pursuant to Section 71 of the Land Titles Act.

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Thomas Robert Porter	500-251 Goyeau Street Windsor N9A 6V2	acting for Applicant(s)	Signed	2017 12 22
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Tel 519-258-0615

Fax 519-258-6833

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

MOUSSEAU DELUCA MCPHERSON PRINCE	500-251 Goyeau Street Windsor N9A 6V2			2017 12 22
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Tel 519-258-0615

Fax 519-258-6833

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd

Fees/Taxes/Payment

Statutory Registration Fee	\$63.65
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Total Paid	\$63.65
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AMENDING DEVELOPMENT AGREEMENT

THIS AGREEMENT made in quadruplicate this 21st day of August, 2017.

BETWEEN: 2562915 ONTARIO INC.

(Hereinafter collectively called "**Owner**")

OF THE FIRST PART;

- and -

THE CORPORATION OF THE TOWN OF AMHERSTBURG

(hereinafter called the "**Corporation**")

OF THE SECOND PART;

Hereinafter collectively referred to as the "**Parties**"

WHEREAS the lands affected by this Agreement are described in Schedule "A" attached hereto, and are hereinafter referred to as the "said lands";

AND WHEREAS 2562915 Ontario Inc. warrants they are the registered owner of the Lands outlined in Schedule "A";

AND WHEREAS, in this Agreement the "Owner" includes an individual, an association, a partnership or corporation and, wherever the singular is used therein, it shall be construed as including the plural;

AND WHEREAS the Official Plan in effect in Amherstburg designated parts of the area covered by the Official Plan, as a Site Plan Control area;

AND WHEREAS the Corporation passed By-law 2011-62 on May 30, 2011 providing for the execution of a Development Agreement for the redevelopment of the property at 1500 Front Road N and the addition of a pool and temporary tent structure;

AND WHEREAS the Owner is requesting to amend the Development Agreement to allow for the addition of three winter boat storage areas and a pavillon in replacement of the tent structure, in accordance with the Site Plans attached hereto as Schedules "G" and "H", and hereinafter referred to as the "Site Plan";

AND WHEREAS the Corporation as a condition of development or redevelopment of the said lands requires the Owner to enter into a Development Agreement;

NOW THEREFORE the Parties Hereto Agree to amend the agreement dated May 30, 2011, as follows:

1. Sections 1, 3, 4, 6 and 7 are hereby amended by adding the following schedules:
Schedule "G"- Site Plan- Winter Boat Storage Areas
Schedule "H"- Site Plan- Proposed Location of Pavillon in replacement of the previous tent structure
2. A new Section 36 is hereby added to the Development Agreement, with the following:
"The Owner covenants and agrees to provide and maintain public liability and property damage insurance in a form (containing endorsements naming the Corporation as an additional named insured and providing a cross-


liability/separation of insured clause) in the amount of at least TWO MILLION DOLLARS (\$2,000,000.00) and satisfactory in form and content (including policy limit) to the Corporation, and proof of the said insurance policy shall be filed with the Clerk of the Corporation during the period of the work upon the Town lands.

The Owner shall remove the subject pavillon from the park area and restore the land to the condition of the surrounding area at its own expense. If the Owner fails to remove the pavillon and restore the grounds as aforesaid, the Corporation may restore the subject lands, and the reasonable expense of such removal and restoration shall be paid by the Owner forthwith on demand."


2. In all other respects the said Development Agreement dated May 30, 2011, shall remain in full force and effect.
3. This Agreement shall inure to the benefit of, and be binding upon the parties hereto, and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Owner and the Corporation (the latter under the hands and seals of its officers duly authorized in this regard), have executed this Agreement as of the date first above written.

OWNER: 2562915 ONTARIO INC.



Renzo Moser




Glenn Bortolus

We have authority to bind the Corporation

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**



Per Aldo DiCarlo, Mayor



Per Paula Parker, Clerk
Tammy Fawkes Deputy Clerk
We have authority to bind the Corporation

Authorized and approved by By-law No. 2017-53 enacted the 21st day of August, 2017.

SCHEDULE "A"
LEGAL DESCRIPTION

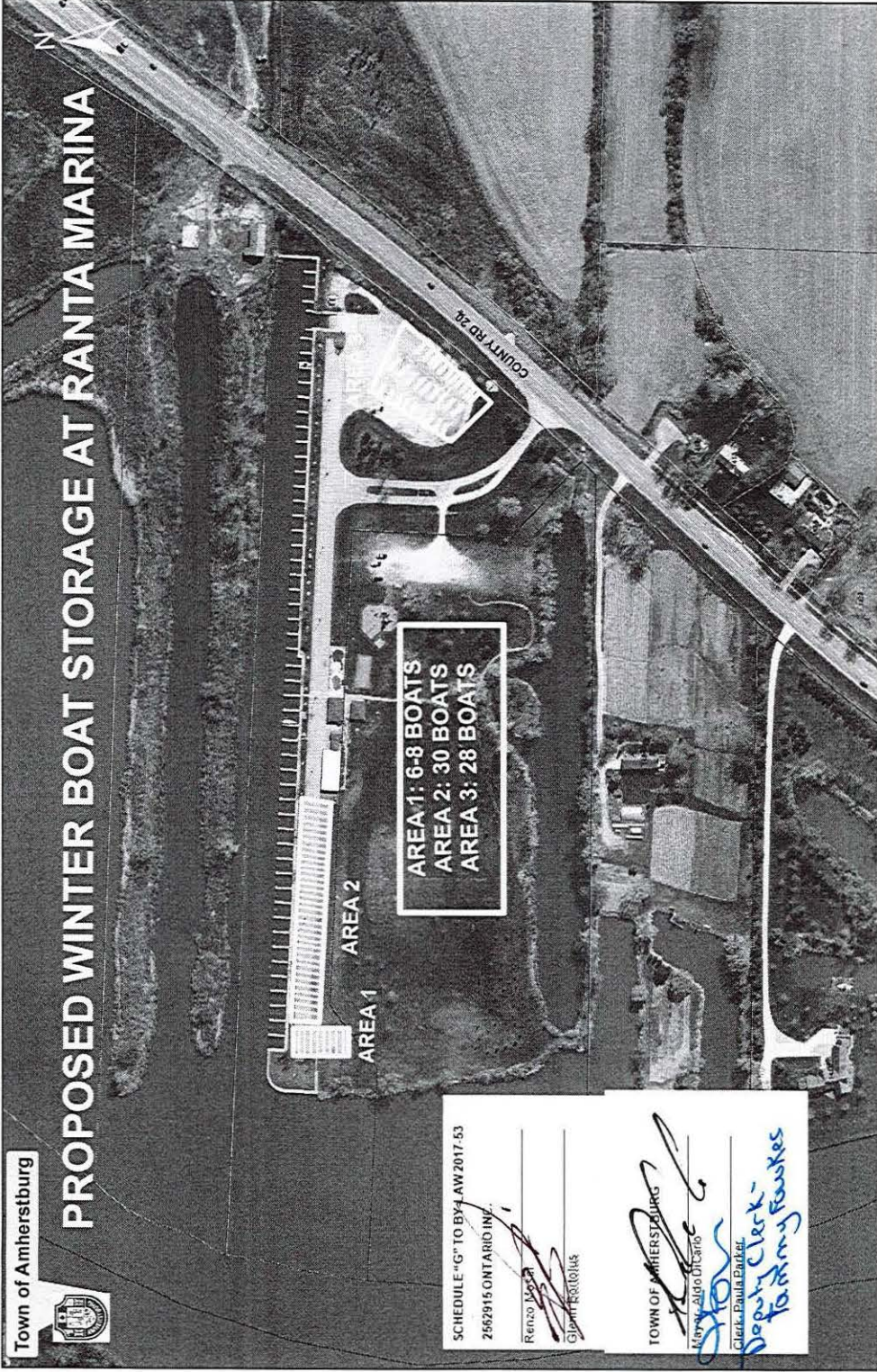
The following is a description of the land to which this instrument applies.

Con 1, Pt Lot 28
RP 12R7626, Part 1
in the Town of Amherstburg,
County of Essex,
Province of Ontario

Town of Amherstburg



PROPOSED WINTER BOAT STORAGE AT RANTA MARINA



SCHEDULE "G" TO BY-LAW 2017-53

2562915.ONTARIO INC.

Renzo Vignola

Glenn Robinson

TOWN OF AMHERSTBURG

Marye Aldo DiCarlo

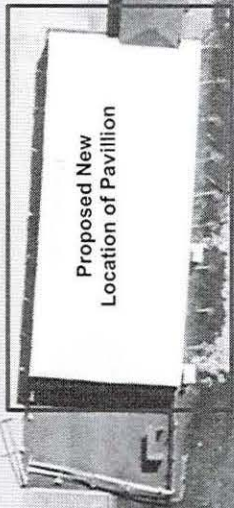
Clerk, Paula Banker

*Dep. Clerk -
for my files*

Proposed Relocation of Existing Pavillion

Town of Amherstburg

Existing Tent to be Removed



Existing Pavillion to be Moved

SCHEDULE "H" TO BY-LAW 2017-53

2562915 ONTARIO INC.

Renzo Moser

Glenn Battolus

TOWN OF AMHERSTBURG

Mayor Aldo Di Carlo

Glenn Battolus

Tommy Fawkes